

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051  
<http://oversight.house.gov>

November 14, 2016

The Honorable Arthur A. Elkins, Jr.  
Inspector General  
Environmental Protection Agency  
Office of the Inspector General  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

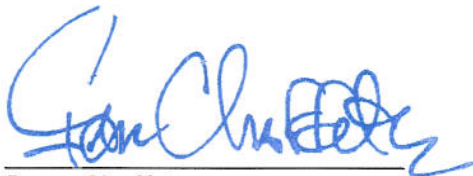
Dear Mr. Elkins:

On July 29, 2015, four Environmental Protection Agency (EPA) employees provided testimony for a Committee hearing that examined allegations of sexual harassment occurring in the EPA Region 5 Great Lakes National Program Office.<sup>1</sup> Since then, two of the EPA employees have alleged retaliation by the agency for their testimony before the Committee.

These allegations are serious. Federal employees must be able to exercise their right to communicate with Congress without fear of retaliation. Section 2302(b) of title 5 of the United States Code prohibits "the taking of any personnel action against an employee who discloses information to Congress."

We request that you investigate whether any of the EPA employees that submitted testimony for the Committee's July 2015 hearing have been retaliated against.

If you have any questions about this request, please contact Bill McGrath of Chairman Chaffetz's staff at (202) 225-5074 or Lena Chang of Ranking Member Cummings' staff at (202) 225-5051, respectively. Thank you for your attention to this important matter.



Jason Chaffetz  
Chairman

Sincerely,

  
Elijah E. Cummings  
Ranking Member

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<sup>1</sup>House Committee on Oversight and Government Reform, *Hearing on EPA Mismanagement Part II*. (July 29, 2015).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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THE INSPECTOR GENERAL

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Elijah Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Chaffetz and Ranking Member Cummings:

Thank you for your letter of November 14, 2016, regarding four employees of the U.S. Environmental Protection Agency (EPA) who provided testimony to the House Committee on Oversight and Government Affairs about allegations of sexual harassment in EPA Region 5. You requested that the EPA Office of Inspector General (OIG) investigate whether any of those employees has been retaliated against.

The OIG's Office of Investigations has looked into each of the four situations. This is what we will be doing with regard to each:

- Witness #1: In a previous OIG interview, this witness stated (b) (6), (b) (7)(C) was not retaliated against; however, a follow up interview will be conducted to confirm the witness' previous statement. Therefore this investigation remains ongoing.
- Witness #2: This witness has moved from (b) (6), (b) (7)(C) another (b) (6), (b) (7)(C). The OIG has been conducting an investigation regarding (b) (6), (b) (7)(C) allegations for some time, and that investigation remains ongoing. Your respective staff were briefed on the status of this case on October 14, 2016.
- Witness #3: The OIG has determined that (b) (6), (b) (7)(C) is pursuing (b) (6), (b) (7)(C) allegations via the equal employment opportunity (EEO) route. As such, the OIG is determining whether it is possible to investigate retaliation claims by this witness without interfering with the EEO process that (b) (6), (b) (7)(C) has chosen to pursue.
- Witness #4: The OIG has determined that (b) (6), (b) (7)(C) is pursuing (b) (6), (b) (7)(C) allegations via the Merit Systems Protection Board (MSPB) route. As such, the OIG is determining whether it is possible to

investigate retaliation claims by this witness without interfering with the MSPB process that has chosen to pursue. (b) (6), (b) (7) (C)

Thank you for your interest in the work of the OIG. If you should have any questions on this or any other matter, please contact Alan Larsen, Counsel to the Inspector General, at (202) 566-2391.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arthur A. Elkins Jr.", is written above the printed name.

Arthur A. Elkins Jr.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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THE INSPECTOR GENERAL

The Honorable Elijah Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Ranking Member Cummings:

Thank you for your November 14, 2016, letter concerning four employees of the U.S. Environmental Protection Agency (EPA) who provided testimony to the House Committee on Oversight and Government Reform about allegations of sexual harassment in EPA Region 5. You requested that the EPA's Office of Inspector General (OIG) investigate whether any of those employees have been retaliated against.

The OIG's Office of Investigations has completed its investigation and determined the following:

- Witness #1: This witness previously informed the OIG that (b) (6), (b) (7)(C) was not subject to retaliation. In response to your inquiry, OIG contacted this witness. (b) (6), (b) (7)(C) confirmed the information that (b) (6), (b) (7)(C) previously provided to the OIG. (b) (6), (b) (7)(C) was not retaliated against by (b) (6), (b) (7)(C) management.
- Witness #2: This witness transferred from EPA (b) (6), (b) (7)(C) to EPA (b) (6), (b) (7)(C). The OIG investigated the allegations made by this witness. On May 25, 2017, the OIG provided your staff with four Reports of Investigation pertaining to this investigation.
- Witness #3: The OIG determined that this witness is pursuing the allegations previously provided to you in an administrative claim before the U.S. Equal Employment Opportunity Commission (EEOC). The OIG determined that it would not conduct an investigation of Witness #3's allegations because of the ongoing EEOC matter.
- Witness #4: The OIG determined that this witness raised allegations of retaliation by EPA (b) (6), (b) (7)(C) management in a claim to the U.S. Merit Systems Protection Board (MSPB). Witness #4 subsequently settled the complaint on May 5, 2017. The OIG determined that it would not conduct an investigation of Witness #4's allegations as it was resolved through the MSPB administrative process.

I appreciate your interest in the work of the OIG. If you should have any questions on this or any other matter, please contact Alan Larsen, Counsel to the Inspector General, at (202) 566-2391.

Sincerely,

A handwritten signature in purple ink, appearing to read "Arthur A. Elkins Jr.", written in a cursive style.

Arthur A. Elkins Jr.

cc: The Honorable Trey Gowdy, Chairman  
House Committee on Oversight and Government Reform